

REMARKS/ARGUMENTS

The Office Action mailed December 29, 2005 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. Claims 1-34 were originally in the application. Claims 1-5, 7-9, 11, 13, 15, and 18-20 have been cancelled; therefore, the claims presented for examination are: claims 6, 10, 12, 14, 16, 17, and 21-34.

**Allowable Claims**

It is applicants' understanding from the Office Action mailed December 29, 2005 that claims 6, 10, 12, 14, 16, 17, and 21-34 are either allowable or would be allowable if rewritten in independent form as Applicants have done. On page 10 of the Office Action mailed December 29, 2005, under the heading Allowable Subject Matter, "Claims 6, 10, 12, 14, and 16, 17, 21-25, 27-30 and 33-34 are (were) objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervention claims." In the Office Action Summary claims 6, 10, 12, 14, 16, 17, 21, and 22 were listed as "is/are objected to." On page 10 of the Office Action mailed December 29, 2005, under the heading Allowable Subject Matter, Claims 23-34 were allowed. In the Office Action Summary claims 23-25, 27-30, 33 and 34 were listed as "is/are allowed."

It is Applicants' intention to address issues related to claims 6, 10, 12, 14, 16, 17, and 21-34 in order to place the claims in allowable form. Applicants have cancelled claims 1-5, 7-9, 11, 13, 15, and 18-20. The issues related to claims 1-5, 7-9, 11, 13, 15, and 18-20 will not be discussed here because those issues are deemed moot since the claims have been cancelled.

### **Claim Objections**

On page 2 of the Office Action mailed December 29, 2005, under the heading Claim Objections, claim 10 was objected to because of the misspelling of "font." Applicants have amended claim 10 to change the spelling from "font" to "front."

On page 2 of the Office Action mailed December 29, 2005, under the heading Claim Objections, claim 26 was objected to because it includes two sentences. Applicants have amended claim 26 to make it a single sentence.

Applicants believe this overcomes the objections to the claims and that a full and complete response to the objections has been provided.

### **Double Patenting**

On pages 2 and 3 of the Office Action mailed December 29, 2005, under the heading Double Patenting, claim 1 was rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 7 of Co-pending Application 10/920,880.

On page 3 of the Office Action mailed December 29, 2005, it was stated, "A timely filed terminal disclaimer in compliance with 37CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application."

The Co-pending Application 10/920,880 and the subject application are commonly owned. Both the Co-pending Application 10/920,880 and the subject application are owned by The Regents of the University of California. The fact that the Co-pending Application 10/920,880 and the subject application are owned by The Regents of the University of California is established by assignments recorded in the United States Patent and Trademark Office.

Enclosed herewith is a terminal disclaimer in compliance with 37 CFR 1.321(c), disclaiming the terminal portion of any patent issue from this application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of prior Co-pending Application 10/920,880.

On pages 3 and 4 of the Office Action mailed December 29, 2005, under the heading Double Patenting, claims 1 and 4 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1, 3, and 15 of Co-pending Application 10/646,666.

On page 3 of the Office Action mailed December 29, 2005, it was stated, "A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application."

The Co-pending Application 10/646,666 and the subject application are commonly owned. Both the Co-pending Application 10/646,666 and the subject application are owned by The Regents of the University of California. The fact that the Co-pending Application 10/646,666 and the subject application are owned by The Regents of the University of California is established by assignments recorded in the United States Patent and Trademark Office.

Enclosed herewith is a terminal disclaimer in compliance with 37 CFR 1.321(c), disclaiming the terminal portion of any patent issue from this application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of prior Co-pending Application 10/646,666.

### Claim Rejections – 35 USC § 112

On page 4 of the Office Action mailed December 29, 2005, under the heading Claim Rejections – 35 USC § 112, claim 26 was rejected because it includes a period and the claim must be in one sentence form only. Applicants have amended claim 26 to make it a single sentence.

On page 4 of the Office Action mailed December 29, 2005, under the heading Claim Rejections – 35 USC § 112, claim 31 was rejected because the recitation “power is added” is considered confusing and not clear as to what is specifically claimed. Applicants have amended claim 31 to clarify that “said wedged grating includes surfaces and wherein said surface are adapted to receive power for greater distortion and field curvature correction.”

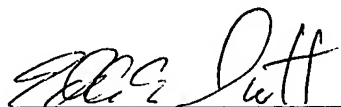
On page 4 of the Office Action mailed December 29, 2005, under the heading Claim Rejections – 35 USC § 112, claim 32 was rejected because the recitation “other optical materials” is considered confusing and not clear as to what is specifically claimed. Applicants have amended claim 31 to clarify that “said wedged grating includes materials that transmit visible light for operation in the visible spectral region to enhance the transmittance in the near, mid or long wave infrared regions.”

Applicants believe this overcomes the rejections of the claims under 35 USC § 112 and that a full and complete response to the rejections has been provided.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated December 29, 2005 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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